

U.S. Department of Justice



*United States Attorney
Southern District of New York*

86 Chambers Street
New York, New York 10007

January 10, 2022

BY ECF

The Honorable Judith C. McCarthy
United States Magistrate Judge
Charles L. Brieant Jr. Federal Building and Courthouse
300 Quarropas St.
White Plains, NY 10601

*Re: Grunwald v. Bon Secours Charity Health Sys. Medical Group, P.C., No. 18
Civ. 3208 (NSR) (JCM)*

Dear Judge McCarthy:

This Office represents defendant United States of America in the above-referenced case brought by Esther Grunwald (“Plaintiff”) under the Federal Tort Claims Act (“FTCA”), 28 U.S.C. §§ 1346, 2401, 2671–2680. I write respectfully on behalf of the parties pursuant to Part 1.F of the Court’s Individual Practices to request an extension of the deadline by which to complete expert discovery from February 27, 2022, to April 8, 2022.

In accordance with the case scheduling order entered in this matter, Dkt. No. 45, as amended by the Court most recently on July 2, 2021, Dkt. No. 62, expert disclosures were due by December 29, 2021, and expert depositions are to be completed by February 27, 2022, with all discovery complete by February 28, 2022.

The parties exchanged their respective expert reports in December and are currently in the process of scheduling seven expert depositions. The parties have obtained the experts’ availability, and unfortunately due to the experts’ prior commitments and the availability of counsel, it is not feasible to complete expert depositions by the current deadline of February 27. In particular, all but one of the parties’ experts are not available before the last days of January, and essentially all of February is unavailable due to Plaintiff’s counsel having a trial starting February 3 that is expected to last two weeks, and the government’s counsel having a previously scheduled family vacation from February 20 through 25 that cannot be moved. The experts and counsel for the parties have sufficient availability in March to complete depositions and expect to confirm the schedule in the coming days.

Accordingly, the parties respectfully request that the Court extend the deadline for completion of expert discovery, and all discovery, to April 8, 2022. This is the parties’ second request for an extension of discovery deadlines in this matter. The first was granted on July 2, 2021. Dkt. No. 62.

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We thank the Court for its consideration of this request.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

By: s/ Anthony J. Sun
ANTHONY J. SUN
Assistant United States Attorney
86 Chambers St., 3rd Floor
New York, New York 10007
(212) 637-2810

cc: (via ECF and Electronic Mail)
David Kates
Schwartz, Goldstone, Campisi & Kates, LLP
90 Broad St., Ste. 403
New York, NY 10004
(212) 962-2800
dkates@sgcfirm.com
Attorneys for Plaintiff